THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 28 of 2006

Date: 20.02.2006

Between:

The Chairman-cum-Managing Director, APNPDCL, Warangal and others.

……. Appellants.

And

G. Sammi Reddy

……. Respondent

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 28 of 2006

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main appeal itself is taken up for disposal at the stage of admission.

The appellant herein is the Management which seeks to assail the order dated 07.12.2005 passed by the learned Single Judge imposing costs of Rs.10,000/- on the second appellant herein, while allowing W.P.No.24077 of 2005 filed by the respondent herein, *inter alia,* seeking for a *mandamus,* challenging the impugned memo dated 21.12.2004.

On consideration of the entire material available on record and on hearing both the sides, the learned Single Judge allowed the writ petition, directing the second appellant to rectify the anomaly, by equating the pay structure of the respondent on par with his juniors in the post of Sub-Engineers and pay the arrears within a period of four(4) weeks from the date of receipt of a copy of that order. Further, the learned Single Judge also imposed costs of Rs.10,000/- along with arrears and in default the Managing Director, the first appellant, was directed to deduct the amount of costs from the salary of the second appellant and pass it on to the respondent. It is against the direction of the learned Single Judge imposing such heavy costs, this writ appeal has been preferred.

On perusal of the material available on record, it was found that even the direction given by the learned Single Judge on the first count was not implemented and therefore the matter underwent adjournments. Subsequently, both the learned counsel represented that the directions given by the learned Single Judge have been duly implemented, as per the proceedings dated 23.01.2006.

This Court takes into consideration the fact that the directions have already been implemented and the anomalies are sought to be rectified. Further, as seriously noted by the learned Single Judge, we do share the same concern. However, in regard to the quantum of costs imposed against the second appellant, the same stands reduced to Rs.1,000/- (Rupees One thousand only) and the same shall be paid to Ms. T. Suhasini, learned junior counsel appearing on behalf of the appellants, within four weeks from today. Having regard to the compliance of the orders and also the fact that the respondent was kept on par with the other employees, we do not find any justification to re-iterate the observations made by the learned Single Judge. All such observations made by

the learned Single Judge viz. lack of competence etc. shall stand expended.

The writ appeal is accordingly disposed of. There shall be no order as to costs.

-------- ----------

(B.PRAKASH RAO.J)

(D. APPA RAO.J)

ksld

Dt.20.02.2006